UNITED
NATIONS

EP

Governing Council
of the United Nations
Environment Programme

Distr.
GENERAL

UNEP/GC.19/30
23 December 1996

ORIGINAL: ENGLISH

Nineteenth session
Nairobi, 27 January - 7 February 1997
Item 5 of the provisional agenda*

PREPARATIONS FOR THE 1997 REVIEW AND APPRAISAL OF AGENDA 21

Contribution of the Governing Council of the United Nations Environment Programme to the special session of the General Assembly in 1997

Note by the Executive Director

Summary

In preparation for the 1997 review and appraisal of Agenda 21, this report comments upon the state of the environment since Rio and documents the implementation by the United Nations Environment Programme (UNEP) of its responsibilities under Agenda 21 and its annexes, the Rio Declaration and the Forest Principles. Furthermore, it proposes necessary changes to the role of UNEP, to enable it to provide better assistance to countries in protecting and improving the human environment and in implementing Agenda 21.

Suggested action by the Governing Council

The Governing Council may wish to adopt a decision along the following lines:

Taking into account General Assembly resolution 50/113 on the special session for the purpose of an overall review and appraisal of the implementation of Agenda 21,

Having considered the Executive Director's reports on the contribution of the Governing Council of the United Nations Environment Programme to the special session of the General Assembly in 1997 (UNEP/GC.19/30); the implementation by UNEP of Agenda 21 (UNEP/GC.19/INF.17); ensuring adequate

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and predictable financing of the United Nations Environment Programme: A challenge to Governments (UNEP/GC.19/INF.10); and the Global Environment Outlook (UNEP/GC.19/26),

1. Notes with appreciation the review and appraisal of the implementation by UNEP of Agenda 21, including its annexes, the Rio Declaration and the Forest Principles, as reflected in the documents UNEP/GC.19/INF.17 and UNEP/GC.19/30;

2. Recognizes that the institutional and financial constraints under which UNEP has had to operate and the wide-ranging demands which are made on it by countries for programme delivery are rendering it increasingly difficult for the organization to meet all expectations and needs in an effective manner;

3. Recognizes further that, notwithstanding these difficulties, the organization has made a deliberate and commendable effort in programme development management and delivery, in line with the principles of the Rio Declaration, Agenda 21, the Rio conventions and the guidance provided by the Council;

4. Requests the Executive Director formally to submit for the consideration of the United Nations Commission on Sustainable Development at its fifth session, in April 1997, and of the meeting of its Inter-sessional Ad Hoc Open-ended Working Group devoted to preparing for the special session and for the attention of United Nations General Assembly, at its special session in June 1997, the reports on the implementation by UNEP of Agenda 21 the Global Environment Outlook, contained in documents UNEP/GC.19/INF.17 and UNEP/GC.19/26, respectively;

5. Also requests the Executive Director to bring to the attention of the United Nations Commission on Sustainable Development at its fifth session and its Ad Hoc Open-ended Inter-sessional Working Group, as well as to the attention of the United Nations General Assembly at its special session in 1997, the results of the Council's consideration of this agenda item entitled: "Contribution of the Governing Council of the United Nations Environment Programme to the special session of the General Assembly in 1997";

6. Further requests the Executive Director to take the necessary measures to follow up on the decisions of the General Assembly at its special session;

7. Establishes an ad hoc special committee of the Governing Council to assist the Executive Director in developing a comprehensive reform strategy for UNEP, taking into account the decisions of the General Assembly at its special session.

Introduction

1. The United Nations Conference on Environment and Development (UNCED) addressed the basis for action, objectives, activities and the means of implementation for sustainable development, in which the economic, social and environmental aspects of human well-being blend in mutual support. The 40 chapters of Agenda 21, the Rio Declaration on Environment and Development, and the Forest Principles together provide a road map for national action and international co-operation. Governments also signed the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, which provide binding international legislative frameworks for action to mitigate climate change, and to promote the conservation and sustainable use of biological diversity. In that way, the Rio Conference represented an important milestone in the growth of the global environmental movement and its integration into the mainstream of action for sustainable development.

2. The United Nations General Assembly, by its resolution 50/113, decided to convene a special session in June 1997, at the highest level of participation, for the purpose of an overall review and appraisal of the implementation of Agenda 21. The resolution invited organizations and bodies of the United Nations system, in close coordination with the Commission on Sustainable Development (CSD), to assure an effective and coordinated system-wide response to preparing for the special session.

3. The contribution by UNEP to the deliberations of the Special Session has three significant components:

(a) An analysis of the state of the environment since Rio from a regional and global perspective (as contained in the Global Environment Outlook report, contained in document UNEP/GC.19/26);

(b) Evidence of UNEP's implementation of its responsibilities under Agenda 21 and its annexes: the Rio Declaration; and the Forest Principles (as contained in document UNEP/GC.19/INF.17); and

(c) A view of the future role of UNEP which would best assist countries in protecting and improving the human environment and in implementing Agenda 21.

The contribution of UNEP to sustainable development did not start with UNCED. The record of 25 years charts the negotiation of global legal agreements and regional programmes, and demonstrates an expanded environmental awareness reaching beyond Governments into the private sector and civil society at large. The responsibilities of UNEP are not confined to a particular sector or chapter, but cut across the entire Agenda 21. The organization's unique responsibility in the United Nations system is reflected in this submission.

A. State of the environment

4. Any assessment of progress since UNCED must begin with the environment. As the first Global Environment Outlook report concludes: from a global

perspective, the environment has continued to deteriorate over the last decade, and significant environmental problems remain deeply embedded in the socio-economic fabric of nations in all regions (UNEP/GC.19/26).

5. In regions where food security and poverty alleviation are priorities, such as Africa, West Asia and parts of the Asia-Pacific region and Latin America, the primary concern relating to land is its availability, the prevention and control of land degradation, and efficient land and water management. The limited availability of arable land and loss of land to urban expansion are of particular importance to small island States and the West Asia region. Degradation of drylands is an urgent global problem, placing some one billion people in 110 countries at risk, mainly in developing regions. In highly industrialized regions, ameliorating soil contamination and combating acidification are priorities.

6. The decade of the 1980s witnessed a decline of some two per cent in the area of the world's forests and wooded land. While the area under forest cover in developed regions remained fairly unchanged over the decade, natural forest cover in developing regions declined by eight per cent. In Europe, air pollution (including acid rain), pests and diseases, and forest fires were the main causes of forest degradation. Biological diversity is of particular concern in both the Latin American and Caribbean region and the Asia and Pacific region, which together house 80 per cent of the world's ecologically megadiverse countries. As yet no region-based assessment of the state of the world's biological diversity is available, and of a working figure of 13 million species, only 13 per cent have been scientifically described. Worldwide habitat loss and fragmentation, the lack of biological corridors and the decline in biological diversity outside protected areas constitute the primary threats to biological diversity.

7. All regions experience problems related to either groundwater or surface water, or both. Every day, 25,000 people die as a result of poor water quality. Some 1,700 million people, more than one third of the world's population, are without a supply of safe water and, in the absence of an adequate sanitation infrastructure, the problem of pathogenic pollution is severe in many developing countries. An estimated one quarter of the world's population will suffer from chronic water shortages in the beginning of the next century. The development and efficient management of water resources are of particular concern in West Asia, Africa and Asia and the Pacific. In Europe and North America, the protection of water resources from contamination, acidification and eutrophication feature high on the agenda. Water supply to regions hosting megacities is a worldwide concern, mainly with regard to groundwater resources, the intrusion of salt into freshwater supplies and land subsidence. More than 1,500 million people depend on groundwater for their drinking water. Other global priorities are the equitable distribution of water between riparian countries sharing international river basins and the impacts of major dams and diversion projects. By the year 2000, more than 60 per cent of the world's total stream flow will be regulated by dams.

8. About 60 per cent of the global population lives within 100 kilometres of the coastline and more than three billion people rely on coastal and marine habitats for food, building sites, transportation, recreation, and waste disposal. One third of the world's coastal regions are at high risk of

degradation, particularly from land-based activities. European coasts are the worst affected, with some 80 per cent at risk, followed by Asia and the Pacific, with 70 per cent at risk. In Latin America, some 50 percent of the mangrove forests are affected by forestry and aquaculture activities. Oil spills are particular threats in West Asia and the Caribbean, while infrastructure development for the tourism industry is placing severe stress on natural coastal areas around the world, particularly in small island developing States. There is widespread anxiety in Asia and the Pacific, North America, Europe and West Asia regarding the over-exploitation of marine fisheries and the consequent decline in stocks of commercial fish species. Globally, over 60 per cent of marine fisheries are heavily exploited.

9. Air pollution problems are multifaceted and pervasive. Acid rain and transboundary air pollution, once considered a problem only in Europe and parts of North America, are now increasingly apparent in parts of Asia and the Pacific and Latin America. Large regions are at risk from the effects of both climate change and acidification. All major cities in the world suffer urban air quality problems. In Eastern Europe, air quality is considered the most serious environmental problem. Despite coordinated action worldwide, damage to the ozone layer continues faster than expected, with the next ten years predicted to be the most vulnerable. Non-compliance and growth in illegal trade in ozone depleting substances are emerging problems. All regions express concern over global warming but special emphasis is placed by the developing countries on the need for adaptive mechanisms to cope with accompanying climate variability and sea-level change. The rapidly rising demand for energy to fuel economic development will aggravate these problems, particularly in Asia and the Pacific, where a 100 per cent increase in energy use is predicted for the period 1990 - 2010 and in Latin America, with a predicted energy growth of 50 - 77 per cent for the same period. It appears that, for the foreseeable future, fossil fuels will continue to be the primary source of energy.

10. The impacts of current consumption and production patterns and associated waste generation, particularly on personal health and well being, are high on the priority list of both North America and Western Europe, and of concern to the other regions. Subregions with emerging economies, such as those of Eastern Europe, South-East Asia, and parts of Latin America and West Asia, face problems associated with rapid industrialization. Rising levels of pollutants pose serious problems of acidification, urban air quality deterioration and transboundary pollution, all increasing health risks. The accumulation of radioactive waste and the continued impacts of the Chernobyl disaster and the effects of past radioactive spills remain of particular concern in Eastern European countries. These problems are compounded by rapidly increasing urbanization, particularly in coastal zones, and the widening gap between the rich and the poor. More than half of humankind will live in urban areas by the end of the century, a figure that will increase to 60 per cent by 2020, with Europe, Latin and North America having more than 80 per cent of their population living in urban areas.

11. The polar regions, representing the largest remaining natural ecosystems on Earth are also coming under increasing stress, particularly from long-range pollutant transport and deposition. Their crucial role in climate regulation and the vulnerability of their fauna and flora warrant special attention.

12. While this assessment may contain no surprises, the following fundamental global environmental trends demand concerted and more timely attention:

(a) The use of renewable resources, land, forest, freshwater, coastal areas, fisheries and urban air, is beyond their natural regeneration capacity and therefore unsustainable;

(b) Greenhouses gases are still being emitted at levels higher than the stabilization target internationally agreed upon under the United Nations Framework Convention on Climate Change;

(c) Natural areas, and their attendant biological diversity, are bound to diminish as a result of the expansion of agricultural land and human settlements;

(d) The increasing, pervasive use and spread of chemicals are causing major health risks, environmental contamination and disposal problems;

(e) The continued heavy reliance on hydrocarbons in the energy sector to fuel economic development is unsustainable;

(f) Rapid unplanned urbanization, particularly in coastal areas, is placing severe major stress on adjacent ecosystems; and

(g) A better scientific understanding is needed of the causal relationships between socio-economic driving forces and their environmental impacts; in particular, scientific analysis and subsequent policy recommendations are urgently required to deal with complex interactions among global biological cycles, long-term chemical impacts and climatic changes.

An effective policy response to these trends will require a blend of policy instruments that address the social fabric of life, ensure effective institutional arrangements, improve the economy, and protect the environment.

B. Implementation of Agenda 21

13. Since UNCED, UNEP has continued to promote sound environmental management and sustainable development, through the provision of information, guidance and assistance on environmental assessment, policy and management, and by building consensus on international environmental policy and action. The UNEP Governing Council, with careful deliberation, consolidated and priorized the Environment Programme to enable UNEP to respond to the needs of countries and institutions in implementing Agenda 21. UNEP took steps to ensure that the content, focus and manner of delivery of the Environment Programme were in line with the Rio Principles.

14. Through a process of reflection, consultation and discussion, UNEP defined its mission, recast the focus and content of its programme and revised the modalities of its work with an emphasis on devolution, partnerships, decentralization and the cultivation of new constituencies while strengthening old ones. The integrated programme was refocused around four environmental problems: sustainable management and use of natural resources; sustainable production and consumption; a better environment for

human health and well-being; and globalization and the environment. Not only was it necessary for UNEP to ensure that its work was scientifically and technically sound, but it also had to be developed and delivered to facilitate its partners' action for the environment and for sustainable development.

15. As a result, noteworthy features of the implementation of Agenda 21 by UNEP have been: strengthened and extended partnerships with international and intergovernmental institutions and the development community; a broadening of constituencies beyond non-governmental organizations to include business, industry, women, youth and parliamentarians; a more decentralized and participatory approach to programme development and delivery with accentuated roles for the UNEP regional offices; greater integration in the design and delivery of programmes such as freshwater, marine resources and coastal areas; land, forests and biodiversity; environmental information, assessment and toxic chemicals; a deliberate effort to relate programme policy and design to promote sustainable development, including its economic, social and human aspects, such as poverty, women, population, equity and international economic cooperation participation, a deliberate emphasis on responding to the needs of countries and institutions, achieving and monitoring results, and accountability (UNEP/GC.19/INF.17).

16. Information and database development and networking in various areas of environmental concern have helped UNEP respond more effectively to the needs of countries and institutions and promote the successful experiences of others. UNEP will pursue its efforts in this area further, drawing upon the capabilities of modern information technology, and its own strengthened regional presence. The traditional environmental assessment and monitoring work of UNEP is also becoming more closely integrated with the analysis of trends, impacts and driving forces and, consequently, becoming more policy relevant and action-oriented. UNEP will continue to build bridges and enhance the dialogue between science and policy. UNEP has to sustain and intensify its networking with the scientific and technological communities to remain abreast of their work and to help orientate the direction of research, so that it will contribute effectively to addressing priority problems.

17. UNEP has given priority in capacity-building to providing technical and policy guidance in environmental information, assessment, database development, environmental legislation and institutions. It is essential that more attention is given to the building of capacities for policy development which will help countries integrate environment and development considerations in decision-making.

18. The role of UNEP as a builder of consensus among Governments on environmental policy and action will become increasingly critical as competition over natural resource use and access intensifies, and as transboundary environmental impacts significantly affect the quality of life. Equally important, however, will be the systemwide promotion of compliance and the enforcement of international environmental agreements. The linkage of global and regional environmental objectives with local and national development needs must be systematically factored into projects and programmes aimed at implementing such agreements.

19. In the course of implementing its Agenda 21 responsibilities UNEP has learned some practical lessons, including the following:

(a) Considerably more emphasis needs to be given to identifying and analysing the development of policies, programmes and practices to integrate environment and development in action at the country level and to provide the benefit of such knowledge to other countries and institutions;

(b) The UNEP contribution must be reexamined to ensure that substantive value is added and that the potential role of partners, including the private sector and non-governmental organizations is mobilized;

(c) Preventive and anticipatory approaches, with particular attention to "win-win" avenues, enhanced economic efficiency, social development and better environmental management, must be emphasized;

(d) Relationships with constituencies, including civil society in general and the financial services sector in particular, must continue to be broadened and strengthened;

(e) The institutional and financial means of implementation must be secured in the process of building intergovernmental agreements;

(f) Achievement milestones for specific responsibilities under Agenda 21 should be set and progress towards them monitored regularly;

(g) An integrated, holistic approach to programme development must be pursued. Programme activities need not be developed and implemented in all areas all the time: in some areas it is sufficient to perform a review and information networking function; in others, to monitor progress; and in others still to advocate policy options and mobilize action. Resource allocation needs to become more sensitive to such distinctions to deliver the most effective service to countries with available resources;

(h) Strong emphasis should be placed on issues-specific, action-oriented and policy-connected environmental advocacy, rather than on generic awareness-raising; and

(i) Attention needs to be given to issues concerning the prevention and mitigation of conflicts relating to natural resource use and access and transboundary environmental impacts.

C. The future role of UNEP

20. The promise of Rio, and Stockholm before it, has not been fully realized. The state of the environment has not improved significantly and in many respects has deteriorated. Notwithstanding a remarkable slate of achievements by UNEP in partnership with national Governments, other parts of the United Nations system, the private sector, non-governmental organizations and civil society, a significant gap remains between expectations and results.

21. Successes need to be applauded and actions in their infancy need to be nurtured and persistently encouraged. But it is clear that more far-reaching reform is called for in UNEP and more broadly. This session of Governing Council and the upcoming special session of the General Assembly offer a unique opportunity for articulating this need and launching a comprehensive effort to reorient UNEP.

1. Reorienting UNEP

22. In its twenty-fifth year of existence, contributions of UNEP to the establishment and promotion of critical aspects of the international environmental agenda are universally recognized. There is a widely held conviction that the world community needs an organization like UNEP to champion global environmental issues and to act as an independent, objective and authoritative advocate for the environment.

23. At the same time, certain concerned observers are increasingly perceiving UNEP as a weak, unfocused organization. Many view UNEP as an organization that has been marginalized over the years, losing much of its credibility, to a point where its continued existence, in its current form, is being questioned.

24. Since Rio, the organization has attempted to focus and integrate its programme, enhance its capability at the regional level, expand its collaboration with partners, introduce results management and be responsive to the needs of governments and UNEP "clients". But the scope of these changes is constrained by differing perceptions and interpretations of the organization's role and mandate, its governance and a precarious funding situation. The pace of implementation is unacceptably slow.

25. Even the harshest critics are quick to acknowledge, however, that many of the difficulties experienced by UNEP are inherent to the context within which it operates, stemming from factors that lie outside the scope of the organization's immediate management control. They point to the general bureaucratic and political malaise of the United Nations system; to continuing tension between protection of the global commons and national self-interest; to the lack of unambiguous commitment, particularly financial, by Governments; and to a location removed from centres of decision-making and from those whom UNEP is to influence, as important reasons for the organization's chronic weaknesses.

26. For those reasons, many would like to see the establishment of conditions which will allow UNEP to flourish, develop a stronger identity and remain independent, rather than become (as some have proposed) a component of another United Nations agency. Regaining credibility and establishing itself as a world class organization will require, however, deep and far-reaching organizational reform.

2. Strategic orientation towards reform

27. Central to any attempt at reform are questions regarding institutional role and the focus of UNEP activities. A clear view concerning the outline of both can best be derived from an analysis of those changes which have transformed the scope and pursuit of the international environmental agenda.

28. Since the establishment of UNEP in 1972, there has been a significant increase in the number of organizations concerned with global environmental issues. This holds true even within the United Nations system itself, where UNEP was once the only key player. These include the environmental conventions, the Global Environment Facility (GEF) and CSD. The establishment of environmental departments and the internalization or expansion of environmental activities by most funds, programmes and agencies of the United Nations system, the major international environmental non-governmental organizations, most Governments, including their development assistance bodies, and many private sector entities are also noteworthy developments. To some extent these are proof of the success of UNEP and the effectiveness of the global environmental movement.

29. Given these changed circumstances, and the concurrent existence of many new influential players, UNEP must focus on a unique niche where its comparative strengths and core programmes would ensure a distinctive added value.

30. The growth of environment-related multilateral organizations can be seen as the nascent emergence of an embryonic system for the governance of global environmental issues. There is a perception of much functional overlap and role confusion in the system as it exists today, and a belief that as a whole, it could clearly benefit from an overall effort at rationalization and consolidation. In this context, some have called for the formation of a global environmental organization, modelled perhaps after the World Trade Organization. This development, too, should figure in the definition of the future role of UNEP.

31. Notwithstanding past achievements, there is a widely held conviction of the pressing need for far-reaching reforms. To continue with "business as usual", building in a focused way upon the acknowledged, successful experiences and making incremental improvements as time goes by will not suffice. Fixation on the received mandate of UNEP and on what UNEP has been doing thus far, limits the organization to mechanical reiterations and "tinkering at the margin". A rigorous review of current activities reveals a number that are no longer on the leading edge or represent sufficient added value given the scarce resources of UNEP. Others are self-perpetuating, continuing long after "catalysis" should have been completed. Furthermore, activities once undertaken by UNEP, such as certain types of coordination, may now be better accomplished by others.

32. There appear to be, accordingly, two basic orientations for approaching the reform of UNEP:

(a) To emphasize the need for system-wide consolidation and scope for the comprehensive mandate of a new global environmental organization;

(b) To redesign, reorient and refocus UNEP in a radical manner, so that it emerges as a world class organization with a relevant purpose and a well defined niche, emphasizing the unique contribution it can make to the evolving system of international environmental cooperation.

33. It is envisaged that a new global environmental organization or world environment authority would have characteristics similar to specialized agencies such as the World Trade Organization or the World Health Organization. A strong and comprehensive organization would not only promote effective international collaboration and joint action, but be capable of developing, monitoring and perhaps even enforcing a currently fragmented regime of international environmental law. Its functions could include: establishing agreed principles and norms for international environmental relations; improving scientific understanding of environmental issues; gathering data and reporting on environmental trends; refining analytical tools; developing environmental indicators to track the success of policies; promoting the exchange of environmental information and data and transfer of technology; and arbitrating environmental policy disputes among countries upon request. Membership in the organization would imply acceptance of its obligations, including assessed financial contributions.

Although the mandate of UNEP, as specified in General Assembly resolution 2997 (XXVII) of 15 December 1972 and amplified by Agenda 21 is wide-ranging, a programme which is merely "catalytic and coordinating" has neither the mandate and authority, technical competence and capacity, or resources to perform this comprehensive role. This option may not be realistic at the moment, although it should be kept in mind as a longer term possibility.

34. At this time, the second option appears to be the most reasonable and, although difficult enough in itself, should drive the development of a new blueprint for reform. A blueprint for reorientation must begin with the question of institutional role and programme focus. Of all the possible areas of activity with which UNEP could be involved, three emerge as uniquely relevant. In one way or another, these have always been regarded as the mandate of UNEP, but they should be redefined, restructured, refocused, given new vitality, and pursued with new vigour. They include:

(a) Keeping under review and assessing global and regional environmental conditions and trends, providing early warning advice, and producing periodically the world's most authoritative state of the global environment report;

(b) Analysis and evaluation of environmental conditions and trends, together with their underlying root causes and likely effects, and the development of relevant policy implications and instruments;

(c) Providing a framework for the development, building of consensus and promotion of the implementation of international environmental agreements and norms, and providing an ongoing forum for the exploration and discussion and mobilization of action on newly emerging issues.

35. Further definition of these three roles is required, but there is an overlapping continuity involved in this concept, moving, in logical, interrelated steps, from the synthesis of available science, to deriving policy implications and promoting and supporting international negotiations which would be necessary as a direct result. These three roles are of relevance to all countries, whether developing, developed or with economies in transition.

36. Performing these three roles will require advocacy, the encouragement or mobilization of action by others, the provision of policy and technical advice, the facilitation of building consensus as well as coordination, but words such as "catalytic" should not in themselves define the organization's mandate. They are much too vague and devoid of clear operational meaning. Similarly, in order to move from scientific and technical information to the development of relevant policy instruments, selective pilot testing or demonstration of an approach within a country may be necessary and close collaboration with, and support of, ministers of environment is essential, but that should not lead the organization to develop a country-level presence or country-level programme activities.

37. UNEP cannot and should not fulfil its mandate in isolation. It is essential that UNEP provide environmental policy guidance to inform the sustainable development discussions at CSD. Its relationship with CSD is a complementary one. Similarly, UNEP should provide environmental policy guidance and scientific and technical advice to inform and influence the development orientation and activities of UNDP. Simply put, UNEP should be the principal environmental advisor of the United Nations System. These are but two examples for illustrative purposes. UNEP's role as a partner in GEF is also critical.

38. Transforming the slogan "we the peoples" from words to action requires UNEP to extend its constituencies beyond Governments to civil society. All efforts at collaboration should be pursued, including with non-governmental organizations, the private sector and civil society at large, provided they will enable UNEP to implement its mandate more effectively.

39. The relationship between UNEP and the conventions requires special mention. Providing continuous and effective support to the environmental conventions should be given high priority in the UNEP agenda. A particularly important opportunity exists for UNEP to provide a facilitating forum for assisting in the coordination and integration of the work of the various secretariats to the environmental conventions. The current system is fragmented and opportunities for synergy are being lost. UNEP does and should continue to focus on the identification of areas appropriate to development and negotiation of legal instruments and their institutional mechanisms and the nurturing of those mechanisms until they can function effectively on their own. The coordination of substantive scientific and technical support, perhaps in a manner modelled after its work with the GEF Scientific and Technical Advisory Panel or the Intergovernmental Panel on Climate Change, is a more appropriate focus than the provision, in perpetuity, of administrative support.

3. Implementation of reform

40. Issues relating to the institutional role and programme focus are vital, but their effective reorientation and more vigorous implementation cannot be achieved without a fundamental reform in all other key aspects of the organization. Implementing this mandate effectively would call for a strong knowledge-based organization capable of mobilizing international environmental science and technology, including its related social,

political, economic and legal components. Reform in management organization, administrative practices, staffing policy and the geographical distribution of activities must continue.

41. The UNEP internal organization for programme delivery should reflect the three roles described above. Programme activities should be driven by relevant "client" needs and be oriented to the delivery of clearly defined and consistently excellent products. Key to success will be the development of an effective institutional capability to work through a network of partnerships and mobilize collaborative centres of excellence and individual talent from around the world. The strengthening of the organization's presence in the regions is a prerequisite to effective interaction with this human resource and to the proactive and effective delivery of scientific and technical advice to meet emerging needs. The geographical network, comprising Nairobi headquarters and regional offices, could be reconfigured to match functional programme needs and optimize and strengthen the delivery of programme-related tasks.

42. All four elements of a reform programme - institutional role and programmatic focus, governance, funding, and management practices are interrelated. Successful reform will require a comprehensive effort. It must be deliberate, well-designed, wisely planned, focused, thorough, and complete.

43. Discussions on governance are well advanced and it is envisaged that a decision will be taken at this Governing Council. Similarly, documentation in securing adequate and predictable funding is before the Council for its review, discussion and decision. Management reform to ensure efficient and effective operation of the secretariat is under way and must be intensified in the coming year. Any further major structural change should be guided by confirmation of the organization's role and mandate.

44. An organized effort should be put in place immediately in order to define more fully the issues involved and to secure a strong core of political support for the purpose, direction and scope of the necessary reform.

45. Such an effort should be designed in three essential steps:

(a) Establishing an ad-hoc special committee of the Governing Council to work with the Executive Director in developing the comprehensive reform strategy. The committee should be small and regionally representative. Consultation with the Committee of Permanent Representatives and Governments should occur at regular intervals;

(b) Installing within the secretariat a special team to support the special committee of the Governing Council and the Executive Director;

(c) Implementing, in the appropriate steps, the reorientation programme, carefully monitoring and adjusting its results. Consideration should be given to the convening of a special session of either the intersessional body or the full Governing Council prior to the next regular session of the Governing Council in order to review progress.

UNITED NATIONS

EP

Governing Council of the United Nations Environment Programme

Distr.
GENERAL

UNEP/GC.19/31
18 December 1996

ORIGINAL: ENGLISH

Nineteenth session
Nairobi, 27 January - 7 February 1997
Item 4 (c) of the provisional agenda*

POLICY ISSUES: COORDINATION AND COOPERATION WITHIN AND OUTSIDE THE UNITED NATIONS, INCLUDING NON-GOVERNMENTAL ORGANIZATIONS

International conventions and protocols in the field of the environment

Report of the Executive Director

Summary

The present report is submitted in response to Governing Council decision 24 (III) of 30 April 1975 which requests the Executive Director to inform the Council at each session of the status of new and existing conventions in the field of the environment, and to General Assembly resolution 3435 (XXX) of 9 December 1975, which requested the Governing Council to keep the General Assembly informed of any new conventions in that field and of the status of existing conventions. The present report covers the period from 1 December 1994 to 10 December 1996. The information contained in the report is provided by Governments and international organizations acting as depositaries to the respective conventions, in response to the Assistant Executive Director's letter of 19 December 1995. It also takes into account information received by the UNEP secretariat during the reporting period. Further information on the objectives, provisions, signatories and parties of about 200 international environment-related agreements will be found in the 1995/1996 edition of the UNEP Register of International Treaties and Other Agreements in the Field of the Environment, to be issued in accordance with Governing Council decisions 16/5 and 18/25.

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Suggested action by the Governing Council

The Council may wish to take note of the present report and authorize the Executive Director to transmit it, together with any comments made by delegations on the report, to the General Assembly at its fifty-second session, in accordance with General Assembly resolution 3436 (XXX) of 9 December 1975. The Council may also wish to call on States that have not yet signed, ratified or acceded to conventions and protocols in the field of the environment to do so. Also, the Council may wish to call on States and organizations that are in a position to do so to provide the UNEP secretariat with information on new conventions and protocols in the field of the environment as well as information on any changes to the status of the existing conventions and protocols in the field of the environment.

A. Depositaries

1. The following Governments and intergovernmental organizations reported on the status of conventions for which they serve as depositaries:

Australia, Belgium, Bulgaria, Canada, Colombia, Finland, Germany, Kenya, Kuwait, Mexico, New Zealand, Norway, Poland, Romania, Russian Federation, Saudi Arabia, Spain, Sweden, Switzerland, United Kingdom, United States of America, Western Samoa, United Nations Secretariat, International Labour Organization, International Maritime Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, International Atomic Energy Agency, Organization of American States, Organization of African Unity, Council of Europe, Council of the European Union, Association of South East Asian Nations, International Union for the Protection of New Varieties of Plants, North Pacific Anadromous Fish Commission, South Pacific Bureau for Economic Cooperation, South Pacific Forum Secretariat.

B. Conventions and protocols that have entered into force

2. The secretariat has been informed that the following international conventions and protocols in the field of the environment have entered into force during the period covered by the present report (1 December 1994-10 December 1996):

(a) International Convention on Oil Pollution and Preparedness, Response and Cooperation, 1990, adopted at London, United Kingdom of Great Britain and Northern Ireland, on 30 November 1990, entered into force on 13 May 1995;

(b) European Convention on the Protection of the Archaeological Heritage, adopted at Valetta, Malta, on 16 January 1992, entered into force on 25 May 1995;

(c) The Agreement Establishing the South Pacific Regional Environment Programme (SPREP), adopted at Apia, Western Samoa, on 16 June 1993, entered into force on 31 August 1995;

(d) Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, adopted at Bamako, Mali, on 30 January 1991, entered into force on 20 March 1996;

(e) Convention for the Protection, Management and Development of the Marine and Costal Environment of the Eastern African Region, adopted at Nairobi, Kenya, on 21 June 1985, entered into force on 30 May 1996;

(f) Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969, adopted at London on 27 November 1992, entered into force on 30 May 1996;

(g) Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, adopted at London on 27 November 1992, entered into force on 30 May 1996;

(h) International Convention on Salvage, 1989, adopted at London on 28 April 1989, entered into force on 14 July 1996;

(i) Convention on the Protection and the Use of Transboundary Watercourses and Lakes, concluded in Helsinki on 17 March 1992, entered into force on 6 October 1996.

(j) Convention on Nuclear Safety, adopted at Vienna, Austria, on 17 June 1994, entered into force on 24 October 1996;

(k) Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, adopted at the Ministerial Meeting at Lusaka, Zambia, on 8 September 1994, entered into force on 10 December 1996.

3. The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, opened for signature at Paris, France, on 14 October 1994, enters into force on 26 December 1996.

C. New conventions and protocols

4. The secretariat has been informed that the following international conventions and protocols in the field of the environment were concluded during the period covered by the present report (1 December 1994-10 December 1996):

(a) The Energy Charter Treaty, Lisbon, Portugal, 17 December 1994;

(b) Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, adopted at Chiang Rai, Thailand on 5 April 1995: the Agreement was concluded among Cambodia, Lao People's Democratic Republic, Thailand and Viet Nam;

(c) Convention concerning Safety and Health in Mines, adopted at the General Conference of the International Labour Organization at Geneva, Switzerland, on 22 June 1995;

(d) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted on 4 August 1995 at New York, United States of America, by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks: the Agreement was opened for signature on 4 December 1995;

(e) With regard to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona, Spain, on 16 February 1976:

(i) Amendment to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 10 June 1995: the title of the Convention has been amended to read "Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean";

(ii) Amendment to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, adopted at Barcelona on 10 June 1995;

(iii) Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, adopted at Barcelona on 10 June 1995;

(iv) Amendment to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources, adopted at Syracuse, Italy, on 7 March 1996;

(v) Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, adopted at Izmir, Turkey, on 1 October 1996;

(f) Agreement on the Conservation of African-Eurasian Migratory Waterbirds, adopted at The Hague, Netherlands, on 16 June 1995;

(g) Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention), adopted at Waigani, Papua New Guinea, on 16 September 1995;

(h) Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted at the Third Meeting of the Conference of the Contracting Parties at Geneva on 22 September 1995;

(i) 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, adopted by the Special Meeting of Contracting Parties to the 1972 London Convention at London on 7 November 1996.

D. Changes in the status of existing conventions and protocols

4. Changes which occurred since 1 December 1994 with respect to the status of ratification of, or accession to, existing conventions and protocols may be found a table contained in the annex to the present report which has been prepared on the basis of information provided by the depositaries referred to in paragraph 1 above.

Annex

CHANGES TO THE STATUS OF RATIFICATION OF/ACCESSION TO CONVENTIONS AND PROTOCOLS IN THE FIELD OF THE ENVIRONMENT

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973	20.10.1996	134	1.7.1975	Belarus, Dominica, Georgia, Mongolia, Saudi Arabia, Turkey
Convention on the Conservation of Migratory Species of Wild Animals, 1979	20.10.1996	49	1.11.1983	Guinea-Bissau, Poland, Slovakia, Switzerland, Togo
Vienna Convention for the Protection of the Ozone Layer, 1985	30.11.1996	162	22.9.1988	Azerbaijan, Georgia, Democratic People's Republic of Korea, Estonia, Latvia, Liberia, Lithuania, Madagascar, Mongolia, Morocco, Qatar, Republic of Moldova, Tajikistan, Yemen
Montreal rotocol on Substances that Deplete the Ozone Layer, 1987	30.11.1996	160	1.1.1989	Azerbaijan, Georgia, Democratic People's Republic of Korea, Estonia, Latvia, Liberia, Lithuania, Madagascar, Mongolia, Morocco, Qatar, Republic of Moldova, Yemen

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
London Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, 1990	30.11.1996	111	10.8.1992	Azerbaijan, Belarus, Gambia, Liberia, Mongolia, Morocco, Niger, Poland, Qatar, Turkey
Copenhagen Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, 1992	30.11.1996	62	14.6.1994	Argentina, Austria, Azerbaijan, Burkina Faso, Cameroon, European Community, France, Greece, Ireland, Israel, Italy, Jordan, Liberia, Liechtenstein, Mongolia, Morocco, Pakistan, Panama, Poland, Qatar, Switzerland, Tunisia, Turkey, United Kingdom
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989	22.11.1996	105	5.5.1992	Barbados, Bolivia, Bulgaria, Costa Rica, Côte d'Ivoire, Federated States of Micronesia, Germany, Guatemala, Guinea, Honduras, Iceland, Israel, Kyrgyztan, Mauritania, Morocco, Namibia, Nepal, Oman, Papua New Guinea, Paraguay, Qatar, Russian Federation, Singapore, Tunisia, Turkmenistan, Uzbekistan, Viet Nam

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1995	5.9.1996	1	Not yet in force	Finland
Convention on Biological Diversity, 1992	21.11.1996	163	29.12.1993	Algeria, Bahrain, Bhutan, Botswana, Bulgaria, Cambodia, Cape Verde, Central African Republic, Congo, Croatia, Cyprus, Equatorial Guinea, Eritrea, Guatemala, Guinea-Bissau, Haiti, Honduras, Iran (Islamic Republic of), Ireland, Israel, Jamaica, Kyrgyztan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Lithuania, Madagascar, Mali, Mauritania, Morocco, Mozambique, Nicaragua, Niger, Niue, Oman, Panama, Poland, Qatar, Republic of Moldova, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Sudan Surinam, Syrian Arab Republic, Togo, Trinidad and Tobago, Turkmenistan, Ukraine, United Republic of Tanzania, Uzbekistan, Yemen, Zaire

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
United Nations Framework Convention on Climate Change, 1992	14.10.1996	163	21.3.1994	Azerbaijan, Bahrain, Belgium, Bhutan, Bulgaria, Cambodia, Cape Verde, Central African Republic, Chile, Colombia, Congo, Croatia, Democratic People's Republic of Korea, Djibouti, Egypt, El Salvador, Eritrea, Ghana, Guatemala, Guinea-Bissau, Haiti, Honduras, Iran (Islamic Republic of), Israel, Jamaica, Kazakhstan, Kiribati, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Lithuania, Mali, Morocco, Mozambique, Namibia, Nicaragua, Niger, Niue, Oman, Panama, Qatar, Republic of Moldova, Russian Federation, Saudi Arabia, Sierra Leone, Slovenia, Solomon Islands, Syrian Arab Republic, Swaziland, United Republic of Tanzania, Thailand, Togo, Turkmenistan, United Arab Emirates, Venezuela, Yemen, Zaire

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994	21.10.1996	54	26.12.1996	Afghanistan, Algeria, Bangladesh, Benin, Bolivia, Botswana, Burkina Faso, Canada, Cape Verde, Central African Republic, Chad, Denmark, Ecuador, Egypt, Eritrea, Federated States of Micronesia, Finland, Gabon, Gambia, Germany, Guinea-Bissau, Haiti, Israel, Jordan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Nepal, Netherlands, Niger, Norway, Oman, Panama, Peru, Portugal, Senegal, Spain, Sudan, Swaziland, Sweden, Switzerland, Togo, Tunisia, Turkmenistan, United Kingdom, Uzbekistan, Zambia

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
United Nations Convention on the Law of the Sea, 1982	17.12.1996	110	16.11.1994	Algeria, Argentina, Austria, Bolivia, Brunei Darussalam, Bulgaria, China, Cook Islands, Croatia, Czech Republic, Finland, France, Georgia, Greece, Haiti, India, Ireland, Italy, Japan, Jordan, Lebanon, Malaysia, Monaco, Mongolia, Myanmar, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Republic of Korea, Romania, Samoa, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Sweden, Tonga
Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995	13.12.1996	6	Not yet in force	Fiji, Saint Lucia, Samoa, Sri Lanka, Tonga, United States of America

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Convention on Wetlands of International Importance Especially as Waterfall Habitat, 1971	22.10.1996	94	21.12.1975	Albania, Comoros, Côte d'Ivoire, Gambia, Latvia, Malaysia, Namibia, Paraguay, Togo, Zaire
Convention for the Protection of the World Cultural and Natural Heritage, 1972	31.12.1995	147	17.12.1975	Dominica, Estonia, Iceland, Kyrgyztan, Latvia, Mauritius
Convention on Nuclear Safety, 1994	13.9 1996	26	24.10.1996	Bangladesh, Bulgaria, Canada, China, Croatia, Czech Republic, Finland, France, Hungary, Ireland, Japan, Lebanon, Lithuania, Mali, Mexico, Poland, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom
Convention Concerning Occupational Safety and Health and the Working Environment, 1981	23.1.1996	26	11.8.1983	Denmark, Ireland
Convention Concerning Safety in the Use of Asbestos, 1986	23.1.1996	20	16.6.1989	Uruguay

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Convention Concerning Safety in the Use of Chemicals at Work, 1990	23.1.1996	5	4.11.1993	China
Convention Concerning the Prevention of Major Industrial Accidents, 1993	23.1.1996	1	Not yet in force	Sweden
International Convention on Civil Liability for Oil Pollution Damage, 1969	1.3.1996	93	19.6.1975	Mauritania, Mauritius, Tonga
Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969	1.3.1996	16	30.5.1996	Australia, Denmark, Egypt, Finland, Greece, Liberia, Marshall Islands, Norway, Spain, Sweden
International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969	1.3.1996	68	6.5.1975	Chile, Georgia, Marshall Islands, Pakistan, Tonga
Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other Than Oil, 1973, as amended	1.3.1996	38	30.3.1983	Chile, Georgia, Marshall Islands, Pakistan, Tonga

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (as amended), 1971	1.3.1996	68	16.10.1978	Malaysia, Mauritania, Mauritius, Tonga
Protocol of 1992 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971	1.3.1996	15	30.5.1996	Australia, Denmark, Finland, Greece, Liberia, Marshall Islands, Norway, Spain, Sweden
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972	31.12.1995	63	30.8.1975	Pakistan, Tonga
Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, 1978	31.12.1995	95	2.10.1983	Belize, Ireland, Mauritius
International Convention on Salvage, 1989	1.3.1996	20	14.7.1996	Denmark, Georgia, India, Ireland, Italy, Jordan, Marshall Islands, Sweden

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
International Convention for the Protection of New Varieties of Plants, 1961	15.1.1996	30	10.8.1968	Chile, Portugal, Ukraine
International Tropical Timber Agreement, 1994	31.15.1995	13	Not yet in force	Bolivia, Cambodia, Ecuador, Ghana, Indonesia, Japan, Liberia, Malaysia, New Zealand, Norway, Peru, Republic of Korea, Togo
International Plant Protection Convention, 1951	31.12.1995	103	3.4.1952	Burkina Faso
The Antarctic Treaty, 1959	12.6.1996	43	23.6.1961	Turkey
Protocol to the Antarctic Treaty on Environmental Protection, 1991	12.6.1996	23	Not yet in force	Consultative Parties: Belgium, Brazil, Chile, India, Italy, Poland, Republic of Korea, South Africa, United Kingdom, Uruguay; Non-consultative Parties: Greece
Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 1985	9.10.1996	6	30.5.1996	United Republic of Tanzania

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1991	31.12.1995	10	20.3.1996	Cameroon, Zaire
Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, 1994	20.11.1996	4	10.12.1996	Lesotho, Uganda, United Republic of Tanzania, Zambia
Convention for the Establishment of the Lake Victoria Fisheries Organization, 1994	31.12.1995	1	Not yet in force	United Republic of Tanzania
Agreement for the Establishment of the Near East Plant Protection Organization, 1993	31.12.1995	5	Not yet in force	Egypt, Pakistan, Sudan
Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, 1989	9.9.1996	10	17.5.1991	Samoa

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Agreement Establishing the South Pacific Regional Environmental Programme (SPREP), 1993	13.3.1996	13	31.8.1995	Cook Islands, Federated States of Micronesia, Niue, Solomon Islands, Tonga
Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1986	31.12.1995	12	22.8.1990	Nauru
Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention), 1995	31.12.1995	2	Not yet in force	Federated States of Micronesia, Papua New Guinea
European Convention for the Protection of Animals Kept for Farming Purposes, 1976	16.1.1996	25	10.9.1978	Bosnia and Herzegovina

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Protocol of Amendment to the European Convention for the Protection of Animals Kept for Farming Purposes, 1992	16.1.1996	8	Not yet in force	Switzerland
European Convention for the Protection of Animals for Slaughter, 1979	16.1.1996	16	11.6.1982	Bosnia and Herzegovina
Convention on the Conservation of European Wildlife and Natural Habitats, 1979	16.1.1996	33	1.6.1982	Poland, Tunisia
Convention on Long-range Transboundary Air Pollution, 1979	31.12.1995	40	16.3.1983	Republic of Moldova
Protocol to the 1979 Convention on Long-range Transboundary Air Pollution Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, 1991	31.12.1995	13	Not yet in force	Germany, Hungary, Italy

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions, 1994	31.12.1995	3	Not yet in force	Netherlands, Norway, Sweden
Protocol to the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution for the Protection of the Mediterranean Sea Against Pollution from Land-based Sources, 1980	1.6.1996	21	17.6.1983	Lebanon
Protocol to the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution Concerning Mediterranean Specially Protected Areas, 1982	1.6.1996	21	23.3.1986	Lebanon
Agreement on the Conservation of Bats in Europe, 1991	31.12.1995	11	16.1.1994	France, Ireland

Title of the instrument/year of adoption	Reporting period: from 1.12.1994 up to:	Total number of those ratified/ acceded	Date of entry into force of the instrument	Countries/entities that had ratified/acceded to the instrument during the reporting period
Convention on Environmental Impact Assessment in a Transboundary Context, 1991	16.9.1996	13	Not yet in force	Bulgaria, Croatia, Finland, Italy, Luxembourg, Netherlands, Switzerland
Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 1992	25.7.1996	18	6.10.1996	Austria, Croatia, Estonia, European Community, Finland, Germany, Italy, Netherlands, Portugal, Romania, Switzerland
Convention on the Transboundary Effects of Industrial Accidents, 1992	31.12.1995	7	Not yet in force	Bulgaria
Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992	10.5.1996	7	Not yet in force	Denmark, Estonia, Finland
European Convention on the Protection of the Archaeological Heritage (revised), 1992	16.1.1996	7	25.5.1995	France, Norway, Sweden

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UNITED
NATIONS

EP

Governing Council
of the United Nations
Environment Programme

Distr.
GENERAL

UNEP/GC.19/32
14 December 1996

ORIGINAL: ENGLISH

Nineteenth session
Nairobi, 27 January - 7 February 1997
Item 6 of the provisional agenda*

PROGRAMME MATTERS

Mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development

Report of the Executive Director

Summary

The present report summarizes action taken by the secretariat of the United Nations Environment Programme (UNEP) in implementing Governing Council decisions 17/25 concerning the Programme for the Development and Periodic Review of Environmental Law and 18/9 concerning the further development of international environmental law aiming at sustainable development.

Suggested action by the Governing Council

The Governing Council may wish to adopt a decision along the following lines:

The Governing Council,

Recalling its decision 17/25 of 21 May 1993, by which the Council adopted the Programme for the Development and Periodic Review of Environmental Law for the 1990s and decided to review the implementation of the Programme not later than at its regular session in 1997,

Also recalling its decision 18/9 of 26 May 1995 requesting the

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Executive Director to develop, in preparing the periodic review of environmental law in accordance with Council decision 17/25, a position paper for international environmental law aiming at sustainable development and, within available resources, to prepare a study on the need for and feasibility of new international environmental instruments aiming at sustainable development,

Further recalling the request, made by the Commission on Sustainable Development at its second session, to the United Nations Environment Programme to study further the concepts, requirements and implications of sustainable development and international law as well as its decision 4/6 by which the Commission welcomed the adoption by the Governing Council of the United Nations Environment Programme of decision 18/9 and noted with appreciation the steps taken by the United Nations Environment Programme towards the review of the Montevideo Programme II as an important contribution to achieving the tasks set out in Agenda 21,

Mindful of the special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21 to be convened from 23 to 27 June 1997,

Taking note with appreciation of the work done by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s,

Having considered the report of the Executive Director of the United Nations Environment Programme on the mid-term review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s and further development of international environmental law aiming at sustainable development, contained in document UNEP/GC.19/32,

1. Commends the United Nations Environment Programme for the action it has taken to implement the Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) during 1993-1996 and, in particular, the efficient use it has made of the limited resources available to it;

2. Takes note with appreciation of the position paper on international environmental law aiming at sustainable development;

3. Takes note of the preliminary study on the need for and feasibility of new international environmental instruments aiming at sustainable development and request the Executive Director to continue within available resources work in identifying ways of better implementing existing and future international instruments aiming at sustainable development and the need for and feasibility of new such instruments;

4. Endorses the observations and recommendations made by the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s on specific programme areas of Montevideo Programme II, as contained in the annex to the report of the Meeting, and

requests the Executive Director to use them as guidance in further implementing the Programme;

5. Encourages the Executive Director to implement the Programme, as appropriate, in close cooperation with the relevant international organizations;

6. Reaffirms that the environmental law programme should remain among the major priority areas on which the United Nations Environment Programme should concentrate in its 1998-1999 programme of work, and that adequate resources should be allocated for its implementation, taking into account, however, the overall financial challenges facing the organization;

7. Recommends that the role of the United Nations Environment Programme in the field of international law aiming at sustainable development be reflected in the outcome of the Commission on Sustainable Development at its fifth session, preceding the special session of the United Nations General Assembly to review and assess the implementation of Agenda 21, to be held in 1997.

BACKGROUND

1. The Programme for the Development and Periodic Review of Environmental Law for the 1990s (Montevideo Programme II) was adopted by the Governing Council by its decision 17/25 of 21 May 1993, as the broad strategy for UNEP activities in the field of environmental law for the 1990s. In the process of its preparation, during 1991 and 1992, by meetings of senior government officials expert in environmental law, the Montevideo Programme II was designed to incorporate the relevant activities set out in Agenda 21 as well as the relevant concepts and principles contained in the Rio Declaration. Overall, it was geared to enhance the effectiveness of UNEP in environmental law, with a view to facilitating achievement of the objectives of Agenda 21. It consists of 18 programme areas and an indicative list of additional subjects for possible consideration during the present decade. In the same decision, the Governing Council requested the Executive Director to implement the Programme, within available resources, inter alia, through preparing and disseminating analytical reports, organizing intergovernmental meetings and contributing to capacity-building in the field of environmental law. Furthermore, in that same decision, the Governing Council decided to review the implementation of the Programme not later than at its regular session in 1997.

A. Activities undertaken for the implementation of the Montevideo Programme II

2. Since the adoption of the Montevideo Programme II in May 1993, UNEP has further strengthened its efforts to carry out activities for the further development of environmental law as provided in relevant programme areas, in line with relevant decisions of the Governing Council and recommendations of the Commission on Sustainable Development (CSD). Priorities established by Agenda 21 also provided useful guidance in implementing the Programme, for example, in the negotiations for an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain

hazardous chemicals in international trade and the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Concurrently, UNEP has initiated work on identifying the general direction for the future development of international environmental law, aiming at sustainable development. In that context, further ways and means of increasing compliance with international environmental agreements, as well as the possible development of liability and compensation for environmental damage arising from military activities, have been explored.

B. Progressive development in international environmental law

3. Within the framework of the Montevideo Programme II, considerable progress has been made in the development of international environmental law. This includes the conclusion, in 1994, of the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora; the further development of regional seas instruments; further progress in the field of chemicals, including in the negotiations for an international legally binding instrument for the application of the PIC procedure for certain hazardous chemicals and pesticides in international trade (which commenced in March 1996), conclusion of the Code of Ethics on the International Trade in Chemicals (April 1994), and the preparatory work for the future development of a global legally binding instrument on persistent organic pollutants (POPs); and the adoption, in December 1995, of the UNEP International Technical Guidelines for Safety in Biotechnology.

4. Under the environmental conventions for which UNEP hosts the respective secretariats and provides administrative services, progress has been made in the preparation and adoption of amendments and adjustments to the conventions and protocols and in the development of new protocols, such as those under the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Convention on Biological Diversity. With a view to promoting the implementation of these conventions and exercising the more extensive coordinating function provided for by Agenda 21, in paragraph 38.22(h), and by Governing Council decision 17/25, UNEP has instituted a mechanism of regular meetings on the coordination of convention secretariats.

C. Assistance in legal capacity building

5. At the national level, UNEP has continued to provide legal advisory services in response to requests from many developing countries for assistance in developing and strengthening environmental legislation and institutions, although the available resources have been insufficient to meet all requests for assistance. Increased emphasis has been placed on assisting countries with the drafting of sectoral laws and/or the implementation of regulations, the incorporation of environmental treaty obligations into national law and development of the procedures and expertise needed to ensure implementation of and compliance with environmental legislation.

6. In order to enhance the capacity of developing countries and countries with economies in transition to participate effectively in the development and implementation of international environmental agreements, UNEP has increased its technical assistance in legal capacity-building in such countries. The UNEP/United Nations Development Programme (UNDP) joint

project on environmental law and institutions in Africa has continued to provide a useful model for inter-agency cooperation and nationally driven programming. To assist countries further with the implementation of environmental law, various measures have been held under that project, including funding the participation of government-designated lawyers in the UNEP training-by-attachment programme, holding a sub-regional workshop on the methodology for developing environmental standards and convening a seminar for judges and magistrates on judicial intervention in environmental matters. UNEP has been active in training activities in other regions as well, such as central and southeast Asia. In addition, UNEP, in cooperation with the United Nations Institute for Training and Development (UNITAR) and the United Nations Centre for Human Settlements (UNCHS) (Habitat), plans to organize, in 1997, the third global training programme on environmental law and policy for government lawyers from various regions. In view of the vital importance of the widest possible participation of such countries in the process of developing international environmental law, UNEP has continued to provide financial assistance to their representatives to enable them to participate in relevant intergovernmental negotiating meetings and working groups.

D. Promoting wider appreciation of environmental law

7. With a view to promoting wider appreciation of environmental law, UNEP has continued to disseminate relevant information to Governments and other parties active in environmental law, through, for example, publications such as the Register of International Treaties and Other Agreements in the Field of the Environment, as well as enquiry-response services in respect of legal information. The provision of such services, however, has been rendered difficult by the reduction in available resources. UNEP and the World Conservation Union (IUCN) have taken a number of collaborative steps to develop an integrated database on environmental law information for the benefit, in particular, of developing countries and countries with economies in transition, including two inter-organization meetings in September 1995 and February 1996 to determine the feasibility of such database. Given the expression of donor interest in this joint database project, the organizations concerned have intensified their efforts to establish modalities of cooperative operations, with a view to initial implementation of the system in 1997.

8. Further information on UNEP activities for the implementation of the Montevideo Programme II may be found in an information document entitled "Mid-term report on implementation of the Programme for the Development and Periodic Review of Environmental Law for the 1990s" (UNEP/GC.19/Inf.13).

E. Further development of international environmental law aiming at sustainable development

9. In its decision 18/9 of 26 May 1995, the Governing Council requested the Executive Director to develop, in preparing the periodic review of environmental law in accordance with Council decision 17/25, a position paper for international environmental law aiming at sustainable development, containing, inter alia, compliance/implementation mechanisms, dispute avoidance/settlement procedures and new concepts and principles, with reference to existing international legal instruments as well as guidelines developed by institutions both within and outside the United Nations system.

In that decision, the Governing Council also requested the Executive Director, within available resources, to prepare a study on the need for and feasibility of new international environmental instruments aiming at sustainable development, addressing, on a priority basis, the principal environmental challenges, including as they relate to the broader issues of sustainable development as set forth in Agenda 21, and, in fulfilling this task, to draw upon relevant work and activities of other United Nations agencies and international organizations. In this regard, in the report of its second session (16-27 May 1994), CSD requested UNEP to study further the concept, requirements and implications of sustainable development and international law.

10. In accordance with decision 18/9 of the Governing Council, UNEP, in cooperation with a non-governmental organization in the field of environmental law and universities, organized a series of expert group workshops and meetings on international environmental law aiming at sustainable development. Three such expert group workshops 1/ were held in Washington, D.C., in November 1995, May 1996 and September-October 1996. To contribute to the work of the expert group, UNEP also convened an international expert workshop on compliance with international environmental agreements, in Washington, D.C., in May 1996. The expert group workshops assisted in the development of a position paper on international environmental law aiming at sustainable development. The position paper outlines the current status of international environmental law and addresses the issues of implementation of and compliance with international environmental instruments, dispute avoidance and settlement, and concepts and principles in international environmental law and presents a set of suggestions for priorities for action (see document UNEP/GC.19/Inf.12). At the workshops, the experts also reviewed the provisions of the Montevideo Programme II and, in the light of new developments, provided observations regarding the continued implementation of each of its programme areas. The limited available resources meant that the experts could only undertake a study on the need for and feasibility of new international environmental instruments aiming at sustainable development, bearing in mind the Montevideo Programme II. The study discusses criteria for determining the need for and feasibility of new instruments, the principal environmental challenges and types of instruments that may be appropriate to deal with them and challenges that are being or have recently been addressed in various international forums, with a set of recommended actions (see document UNEP/GC.19/Inf.18). Because of the lack of available funds, the study remains at a preliminary stage of preparation and requires further elaboration.

F. Meeting of Senior Government Officials Expert in Environmental Law for the Mid-term Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s

11. Pursuant to Governing Council decision 17/25, UNEP convened the Meeting of Senior Government Officials Expert in Environmental Law for the Mid-Term

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1/ The composition of the expert group was geographically balanced and included internationally recognized experts in the field and senior governmental lawyers, all acting in their personal capacity.

Review of the Programme for the Development and Periodic Review of Environmental Law for the 1990s in Nairobi, from 2 to 6 December 1996. During the Meeting, the experts commended the work by UNEP in the field of environmental law and expressed their support for the Montevideo Programme II. The experts also underlined that, in view of the important role played by UNEP in the development of environmental law, its work in that field should be reflected at the forthcoming special session of the General Assembly to review and appraise the implementation of Agenda 21. Within UNEP, environmental law should continue to be a programme priority. Emphasis was placed on the importance for UNEP to further the development of international environmental law and to provide assistance to developing countries and countries with economies in transition in enhancing national environmental legislation. The experts stressed that the implementation of environmental treaties should be a priority consideration.

12. On the basis of the review and discussions, the Meeting considered how best the programme areas of the Montevideo Programme II should be implemented during the remaining years of the present decade. The observations regarding the Montevideo Programme II and other documents contained in the final report of the Expert Group Workshop on International Law Aiming at Sustainable Development (UNEP/IEL/WS/3/2) were taken into account as appropriate during the review. Following their detailed review of all programme areas of the Montevideo Programme II, the experts considered and prepared observations and recommendations on those programme areas. The Meeting adopted the observations and recommendations for consideration by the Governing Council of UNEP at its nineteenth session, as contained in the annex to the present report. The Meeting also recommended that the Executive Director transmit to the Governing Council at its nineteenth session a number of elements to be considered for inclusion in the operative paragraphs of a decision on environmental law, which are incorporated in the suggested action by the Governing Council above. The report of the Meeting was circulated to Governments in the three working languages of the Meeting, English, French and Spanish, in document UNEP/Env.Law/3/3 and the body of the report, with the observations and recommendations and has been made available to the Governing Council in the annex to document UNEP/GC.19/Inf.14.

Annex

OBSERVATIONS AND RECOMMENDATIONS REGARDING THE PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW FOR THE 1990s

With a view to its increased effectiveness in environmental law, the United Nations Environment Programme should take into account the following in further implementing the Programme for the Development and Periodic Review of Environmental Law for the 1990s.

Area A. Enhancing the capacity of States to participate effectively in the development and implementation of environmental law

1. Of overriding importance remains the problem of ensuring the fullest and most effective possible participation of developing countries and countries with economies in transition in the processes of development of environmental law (conferences, meetings, etc.). Thus, the necessity to provide adequate funding, although it is not a legal problem, cannot be overemphasized.

2. Progress in this area would have been more comprehensive had the above problem been solved.

3. Special emphasis should be laid on subparagraphs (a), (c), (d) and (f).

4. More attention should be focused on assisting countries in incorporating commitments under environmental treaties into national legislation and in building institutions. Priority should be given to those countries which have shown or can demonstrate the likelihood of effective use of the assistance provided. Such assistance should make use of existing regional or subregional programmes/organizations.

5. Although UNEP's existing training programmes in environmental law are much appreciated, there should be additional training activities for lawyers and other appropriate personnel. Securing additional financial resources for that purpose should be encouraged.

Area B. Implementation of international legal instruments in the field of the environment

6. The significant progress that has taken place in this area should be noted.

7. Of overriding importance remains the need for further improvements in reporting and data-collection systems. Helping developing countries and countries with economies in transition to establish and consolidate their national systems is essential.

8. Of importance is the further development of compliance regimes and procedures to help and encourage States to fulfil their obligations under multilateral environmental agreements by simple, cooperative, non-judicial and transparent means. Such regimes and procedures should be tailored to the

specific requirements of the instruments they serve, recognizing that their potential for improving observance by States of their treaty obligations is considerable.

9. Area B should be implemented in conjunction with Area D.

10. Special emphasis should be laid on subparagraphs (b) and (d).

Area C. Adequacy of existing international instruments

11. Treaty regimes should be encouraged to carry out a regular review of the adequacy of the respective instruments, and where appropriate, provide for such a review under such instruments.

12. More attention should be paid, particularly at the negotiation stage of an international instrument, to the question of the means by which its effective implementation can be achieved.

13. Special emphasis should be laid on subparagraph (c).

Area D. Dispute avoidance and settlement

14. Greater emphasis should be placed on the avoidance and prevention of disputes. Due consideration should be given to innovative approaches and mechanisms for dispute avoidance. Appropriate mechanisms and procedures need to be elaborated, and a relevant study would be appropriate.

15. By improving compliance with international obligations, implementation and compliance procedures can contribute considerably to preventing international disputes.

16. More attention should be paid to the development and application of appropriate procedures at the national and regional levels and to greater transparency and openness of proceedings at the national and international levels.

17. Consideration should be given to the use of appropriate regional arrangements for the prevention and peaceful settlement of disputes.

18. The need for more confidence-building measures cannot be overemphasized.

19. The existence of provisions on liability can contribute to preventing international disputes regarding environmental matters.

20. There is a need for greater assistance to developing countries and countries with economies in transition on all the matters covered by the area.

21. Special emphasis should be laid on subparagraphs (a) (i) and (iii).

Area E. Legal and administrative mechanisms for the prevention and redress of pollution and other environmental damage

22. Attention should be drawn to the desirability of promoting the access of individuals and NGOs to administrative and judicial procedures related to environmental matters.

23. In view of the evident discrepancy in the level of development of appropriate national legislation between developed and developing countries, assistance aimed at narrowing the gap is needed.

24. More attention should be given, as appropriate, to assisting States in incorporating environmental rights and responsibilities into their national legal regimes.

25. Study is recommended regarding the potential use, in appropriate cases, of criminal and administrative legislation and mechanisms as a means of promoting prevention and of redressing pollution and other environmental damage.

26. Study is recommended regarding consumption and production patterns as well as of legal and administrative mechanisms that might be utilized in addressing problems relating to those patterns. Such study could take into consideration economic mechanisms.

27. Attention should be drawn to the need for cooperation and coordination particularly at the local level, including by neighbouring communities on different sides of an international boundary, in order to prevent pollution and deal with its consequences.

28. The area should be implemented in conjunction with subparagraph (d) in Area B.

29. Special emphasis should be given to subparagraph (d).

Area F. Environmental impact assessment

30. The significant progress that has been made in recent years, particularly with respect to the activities of UNEP and the imminent entry into force of the 1991 Convention on Environmental Impact Assessment in a Transboundary Context, elaborated within the framework of the United Nations Economic Commission for Europe, should be noted.

31. Elaboration, at the international level, of appropriate measures with regard to standards and requirements of EIA (environmental impact assessment) that could be used as a model at the national level on matters such as scope, methodologies, thresholds, and criteria is recommended. The need for capacity-building at the national level is particularly important.

32. The attention of multilateral cooperation agencies should be drawn to the need to assess the environmental impacts of their assistance programmes and projects within recipient countries.

33. Special emphasis should be laid on subparagraphs (b), (c), (d), (e) and (f).

Area G. Environmental awareness, education, information and public participation

34. This is one of the more important areas in the whole of the Programme. Its relevance and application to activities at all levels should be reemphasized. Appropriate knowledge and information should reach the population at large and specific sectors such as the industrial community. This would, in turn, result in enhanced public participation in environmental matters.

35. The role of relevant international agencies and institutions, such as UNEP, the United Nations Development Programme (UNDP), the United Nations Institute for Training and Research (UNITAR), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Conservation Union (IUCN) should be noted and encouraged.

36. The importance of the Guidelines on Access to Environmental Information and Public Participation, developed under the auspices of the United Nations Economic Commission for Europe, should be noted. The continuing work of the United Nations Economic Commission for Europe on a convention in the same areas should be noted.

37. A promising new development is the growth in opportunities for access by individuals and non-governmental entities to judicial and administrative procedures and to other mechanisms on environmental matters.

38. Public involvement in setting environmental priorities and carrying out environmental obligations can be particularly important in enabling international environmental agreements to be effectively implemented.

39. Special emphasis should be laid on subparagraphs (a), (c) and (d).

Area H. Concepts or principles significant for the future of international environmental law

40. The progressive development of international environmental law should be promoted.

41. Of interest are the environmental rights and obligations of States. Of interest also is the situation as it relates to individuals. Studies on the matter that have been, and are being, addressed outside the Montevideo Programme and UNEP should be taken into account.

42. Special emphasis should be laid on subparagraph (d).

Area I. Protection of the stratospheric ozone layer

43. In promoting the widest possible acceptance and effective implementation of the regime involving the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, account should be taken of the London, Copenhagen and Vienna amendments and adjustments.

44. Encourage the provision of assistance, mobilizing the support of institutions, mechanisms, and organizations established by the regime, including the Implementation Committee, to States that are parties to those

instruments in the form of transfer of environmentally sound technology and technical know-how, capacity-building, drafting legislation and administrative measures, and financial assistance through the Multilateral Fund and other sources, as appropriate.

45. Address the issue of illegal trafficking in ozone-depleting substances under the Montreal Protocol.

Area J. Transboundary air pollution control

46. Promote the acceptance and full implementation of existing treaty regimes.

47. Promote through the United Nations regional commissions or other regional organizations, the development of regional and national action plans for combating transboundary air pollution. The conclusion of regional conventions should be encouraged following the example of the 1979 Convention on Long-Range Transboundary Air Pollution and existing bilateral conventions.

48. Attention should be drawn to the need for national legislation to prevent, control and reduce emissions causing transboundary air pollution and their effects.

49. Encourage cooperation between and among regional, national and local authorities, as appropriate.

50. Support the negotiation of a global agreement and, as appropriate, regional agreements or arrangements to prevent or minimize emissions of certain persistent organic pollutants, taking special note of the work in this regard in negotiating a protocol to the 1979 Convention on Long-range Transboundary Air Pollution.

Area K. Conservation, management and sustainable development of soils and forests

51. Encourage wide acceptance and implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, as well as the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

52. The coordinated implementation of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests and the various international conventions relevant to conservation, management and sustainable development of soils and forests should be encouraged with a view to a more integrated approach to relevant problems.

53. Promote the implementation of international rules by States through the development of national legislation as appropriate and, as necessary, facilitating assistance through, inter alia, capacity-building, transfer of environmentally sound technology and technical know-how, internalization of costs, cooperation, information and education.

54. Promote the integration of regional and national policies, in particular by the preparation of action plans as well as education and training plans for the implementation of such policies, with the aim of promoting cooperation between and among local bodies and non-State actors.

55. Continue efforts to better define the notion of sustainable forest management and to establish national institutions for forest management.

56. Encourage the conclusion of global and regional agreements on forest management, conservation and sustainable development.

Area L. Transport, handling and disposal of hazardous wastes

57. Encourage wide acceptance and implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

58. Encourage emerging regional initiatives and the implementation of regional agreements concerning the transport, handling and disposal of hazardous wastes consistent with relevant international agreements and in accordance with Article 11 of the Basel Convention for countries that are Parties to that Convention.

59. Assist States in implementing international rules concerning the control of transboundary movements, in particular in combating illegal movements of hazardous waste, supporting regional efforts in this field, and, if necessary, assist States in developing national capacities.

Area M. International trade in potentially harmful chemicals

60. The development of guidelines for national legislation based on the London Guidelines for the Exchange of Information on Chemicals in International Trade should be encouraged pending the conclusion of ongoing negotiations in this field.

61. Continue, in coordination with the Food and Agriculture Organization of the United Nations, to support negotiations for an international legally binding instrument for the application of the prior informed consent (PIC) procedure for certain hazardous chemicals in international trade.

62. Note the importance of new institutional structures for sound management of chemicals, including the Intergovernmental Forum on Chemical Safety (IFCS).

63. Note the importance of regional efforts to reduce risks from certain chemicals and heavy metals, including efforts to eliminate the use of lead in gasoline.

64. The Guidelines on Access to Environmental Information and Public Participation, developed under the auspices of the United Nations Economic Commission for Europe, should be taken into account in developing community right-to-know or other public information dissemination programmes.

Area N. Environmental protection and integrated management, development and use of inland water resources

65. Noting that intergovernmental negotiations are taking place with a view to the early conclusion of a framework convention on the law of the non-navigational uses of international watercourses, consideration should be given to the further development of regional and subregional agreements, as appropriate.

66. Note the existence of measures concerning wetlands, especially under the 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, and support the development of action plans for their implementation.

AREA O. Marine pollution from land-based sources

67. Support the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the Washington Declaration on Protection of the Marine Environment from Land-based Activities.

68. Protocols should be developed in the framework of the Regional Seas Programme where such protocols or similar agreements do not exist, for the prevention, reduction and control of marine pollution from land-based sources.

Area P. Management of coastal areas

69. Integrated coastal zone management, in the context of promoting sustainable development, is an important objective which should be achieved through appropriate national legislation, plans and programmes.

70. Note the existence of measures and action plans concerning regional seas and coastal wetlands, such as the 1971 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat, and support the adoption of such plans, where none exists, in order to ensure integrated management of coastal areas.

Area Q. Protection of the marine environment and the law of the sea

71. Taking note of the conclusion of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the FAO Code of Conduct on Responsible Fisheries, which complement the United Nations Convention on the Law of the Sea, encourage their wide acceptance, as appropriate.

72. Encourage wide acceptance and implementation of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

73. Note that regional agreements, including those concluded under the auspices of the Regional Seas Programmes, encourage new and integrated approaches to the protection of the marine environment and the prevention of its pollution by applying, in some cases, inter alia, various concepts such as precaution and internalization of costs, and further support the implementation of those Programmes.

Area R. International cooperation in environmental emergencies

74. The legal basis for international cooperation in environmental emergencies has made progress in recent years. There is still need for developing further measures such as regional and subregional action plans.

75. The joint UNEP/Department of Humanitarian Affairs (DHA) unit for environmental emergencies is welcomed.

76. Special emphasis should be laid on subparagraphs (a), (b) and (d) with particular emphasis on (b).

77. Subparagraph (c) was duly fulfilled.

Area S. Additional subjects for possible consideration during the present decade

78. Of the topics listed in Area S, it is important that subparagraphs (a), (b), (c), (e) and (f) receive further attention. Subparagraphs (a) and (g) are wide-ranging in nature and are of permanent importance.

79. Subparagraph (d), in view of its sensitivity at the present time and its complexity, requires special attention. UNEP, as the principal body within the United Nations system in the field of environment, has a key role to play in the discussions on the legal aspects of environment and trade. UNEP needs to be more active within the World Trade Organization Committee on Trade and Environment.

I. THE FINANCIAL REPORT AND AUDITED ACCOUNTS FOR THE BIENNIUM 1994-1995 ENDED 31 DECEMBER 1995

1. Pursuant to the regulation 11.4 of the Financial Regulations of the United Nations, General Assembly resolution 3192 (XXVIII) of 18 December 1973, and rule 213.3 of the Financial Rules of the United Nations Environment Programme, the Executive Director on 31 March 1996 transmitted the financial report and financial statements for the biennium 1994-1995 ended 31 December 1995, to the Chairman of the Board of Auditors. Copies were also provided to ACABQ.

2. The financial report and financial statements were subsequently examined by the Board of Auditors. Together with the audit opinion and report of the Board of Auditors, they were then submitted to the General Assembly at its fifty-first session (A/51/5/Add.6). The General Assembly received the report of ACABQ (A/51/533) containing observations and comments on the financial reports and audited accounts of a number of United Nations entities, including UNEP.

II. OBSERVATIONS OF ACABQ ON THE FINANCIAL REPORT AND AUDITED ACCOUNTS FOR THE BIENNIUM 1994-1995 ENDED 31 DECEMBER 1995

3. ACABQ noted the confirmation of the Board of Auditors that UNEP complied with the common accounting standards in presenting the appropriate financial statements. However, the Board of Auditors qualified its audit opinion on the financial statements owing to the non-receipt of audit certificates from several supporting organizations. ACABQ noted that, following receipt of the Board of Auditors' report, UNEP had decided to withhold future cash advances from, and not to enter into new contractual arrangements with, supporting organizations that have not provided audit certificates. ACABQ welcomed these measures but noted that it may be necessary for UNEP to ascertain whether supporting organizations require assistance in the production of certificates.

4. ACABQ requested that the Board of Auditors' observations on consultants be addressed as a matter of urgency. The Board had requested UNEP to regulate the appointment of consultants in line with the established policies and update the roster of consultants periodically. It also recommended that selection of consultants should be made after widening the choice of candidates and that guidelines for determining consultants' fees should be established.

5. ACABQ also endorsed the observations and recommendations made by the Board of Auditors regarding UNEP's lack of advance planning which led to piecemeal procurement of goods and shortcomings in competitive bidding.

6. The General Assembly will not discuss the financial reports, recommendations and conclusions of the Board of Auditors until its resumed fifty-first session in March 1997. Thus, the Executive Director cannot give any further details on action taken by the General Assembly at this stage.

III. COMMENTS OF THE EXECUTIVE DIRECTOR ON THE OBSERVATIONS OF ACABQ

7. The Executive Director has taken note of and agrees with the observations and recommendations of the Board of Auditors as well as those of ACABQ. The Executive Director is pleased to inform the Governing Council that, by the end of November 1996, 202 (77 per cent) audit certificates had been received. UNEP will continue every effort to recover the remaining 62 certificates representing $5,102,103 out of the total expenditure on projects implemented by supporting organizations of $26,880,236 for the whole biennium 1994-1995. UNEP will also ascertain whether supporting organizations require assistance in the production of certificates.

8. With regard to the recruitment of consultants, UNEP has already taken steps to implement all the recommendations of the Board of Auditors. The Executive Director has issued guidelines for recruitment of consultants to ensure that consultancies are awarded on the basis of established need, expertise and value for money. UNEP will also make every effort to select consultants from a broad geographical background including developing countries and countries with economies in transition, taking due consideration of geographical and gender balance. Following the merger of the administrations of the United Nations Centre for Human Settlements (UNCHS) (Habitat) and UNEP on 1 January 1996, the United Nations Office at Nairobi (UNON) now reviews all procedures governing the recruitment of consultants, including the issue of consultants' fees. At the same time, UNON is updating the roster of consultants.

9. Procurement is also a UNON responsibility as of 1 January 1996. In line with the recommendation of the Board of Auditors, UNEP submitted a procurement plan for 1996 to UNON and will do likewise in 1997.